851 593x A father's rights over his child are not unassailable. He can lose them, especially if he neglects to fulfill certain duties because such conduct is equivalent to disowning. Among the duties whose neglect results in the loss of rights over the children are the following:

1) The completion of the bride price.

2) The fulfillment of funerary duties (burial, payments).

3) The relinquishment of a portion of the bride price to be restituted in case of divorce.

4) The performance of duties toward the child. Only instances of grave negligence, constituting real abandonment, enter into consideration here -- especially an illegitimate refusal to obtain the means for a son to get married. The case cited in Chapter II, Article XI, 3 and similar instances also fall into this category.

Conclusions

58 At the end of this work we shall sum up the conclusions it suggests to us:

1) Among the Nkundó marriage consists of a union between a man and a woman, constituted through the payment of certain valuables. This payment is made by the husband, through the intermediation of one or more official witnesses, to the wife's parents; it is counterbalanced by a payment of valuables on the part of the woman's family to the husband and his family.

2) There are various sorts of conjugal unions which differ somewhat from this standard form: the inheritance of a widow by a distant relative of the husband; the substitution -- during life or after death -- of a kinswoman who continues the union begun by a woman now deceased or divorced; [517] the offer of a wife in exchange for the performance of an important service; a certain kind of exchange and, in some tribes, purchase; and union with a slave.

3) Apart from the question of the Batswa, obstacles to marriage are due to kinship and affinity.

● 58 4) Married life is regulated by rules which are well defined and wise, but infractions are committed. Adultery is condemned and repressed, but the Nkundó concept of it is not the same as ours, and they accept certain exceptions.

5) Polygamy is highly regarded; the practice is governed by definite rules, and the first wife occupies a rank of precedence in the family and in society.

6) Divorce is permitted under fairly strict conditions, and the dissolution of marriage is regulated by suitable laws.

7) Legal stipulations which must be adhered to at the time of death demonstrate the precedence of marriage over blood ties and prove that a wife really belongs to her husband, although she remains a member of her own clan. Furthermore, the husband's death does not break the marriage for the widow.

8) Children belong to the legal father.

On the whole, we can conclude that although the Nkundó's marriage institutions are not without defect from our point of view, they nevertheless appear well organized and in no way "savage." They give an impression of clarity and wisdom, adaptability and flexibility, unity and logic -- wonderful qualities which many European legal systems can envy and which demonstrate the remarkable organization the interesting Nkundó people have been able to attain. [518]